

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

HEARING ON A RELIGIOUS MINORITY ENSLAVED:
ADDRESSING THE COMPLICITY OF U.S. COMPANIES
IN UYGHUR FORCED LABOR

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Virtual Hearing

P A R T I C I P A N T S

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Tony Perkins, Vice Chair
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P R O C E E D I N G S

CHAIR MANCHIN: Good morning, and thank you for joining us today and attending the U.S. Commission on International Religious Freedom's hearing today, "A Religious Minority Enslaved: Addressing the Complicity of U.S. Companies in Uyghur Forced Labor."

We also want to take this opportunity to thank our distinguished witnesses for joining us today and giving their time. Thank you so much.

The U.S. Commission on International Religious Freedom, or USCIRF, is an independent, bipartisan U.S. government advisory body that was created under the 1998 International Religious Freedom Act, or IRFA.

The Commission uses international standards to monitor freedom of religion, or belief, abroad and makes policy recommendations to the U.S. government.

Today, USCIRF uses its statutory authority under IRFA to convene this very important hearing.

Since 2017, the Chinese Communist government has detained millions of Uyghurs and other Turkic Muslims in internment camps across the Uyghur region, also known as Xinjiang. Many of the detainees were targeted for engaging in Muslim religious practices, such as growing a beard or wearing a veil, as well as for so-called "family planning violations."

This practice is believed to represent the largest-scale detention of an ethno-religious minority group since World War II.

These arbitrary and extrajudicial detentions, along with the horrific practice of forced labor of these detained Uyghurs and other Turkic Muslims--the focus of our hearing today--are part of the Chinese government's larger repression of ethnic and minority religious groups.

We will also discuss the challenges facing U.S. companies with supply chains in China that use Uyghur forced labor, as well as policy recommendations for the U.S. government to lead

efforts to end this horrific practice.

I now welcome and introduce our First Vice Chair Tony Perkins.

VICE CHAIR PERKINS: Thank you, Chair Manchin.

Good morning, everyone, and thank you for joining us today.

The U.S. government has consistently expressed grave concerns over Xinjiang and has determined that the atrocities in the Uyghur region amount to genocide, and so we urge the entire free world, and particularly our like-minded allies in Europe and Asia, to join the United States in paying special attention to what is going on in Xinjiang.

More specifically, today, we urge our European and Asian allies not to prioritize trade with China at the expense of human rights and religious freedom in particular, which are values, I believe, we mutually share.

We also want to urge U.S. and other

international companies to closely examine their own operations in China to make sure that they are not taking part, either directly or indirectly, in these atrocities.

Now, Senator Marco Rubio of Florida had planned to join us this morning, but due to an unforeseen change in his schedule, he was not able to be with us.

Senator Rubio is a commissioner and former co-chair of the Congressional Executive Commission on China, which is one of the leaders of the Uyghur--and he's also one of the leaders of the Uyghurs Forced Labor Prevention Act, and he's a powerful voice on behalf of those in China who are being persecuted because of their religion.

I spoke with Senator Rubio last night on this topic, and he has asked that we read his remarks on his behalf here at this hearing today, and so I will now read what Senator Rubio has submitted for today.

[Senator Rubio's submitted remarks read by

Vice Chair Perkins as follows:]

Thank you for inviting me today to share a few words with you all at this important hearing.

I'm grateful for USCIRF's work to shine a light on those who are being persecuted around the world because of their faith.

The tragic reality is that so many individuals are persecuted, jailed, tortured, and even killed for who they are and/or what they believe in.

In China, these abuses are especially egregious. The ongoing crimes against humanity and genocide against the Uyghur people and other Muslim minorities in Xinjiang at the hands of the Chinese Communist Party demands the world's attention.

America was founded in part by people fleeing religious persecution. Religious freedom was our first freedom and one that Americans cherish deeply. That is one of the many reasons why we must, why we have a moral responsibility to be a champion for people around the world who are

oppressed or targeted because of their faith.

Few rights are more fundamental to human flourishing than the freedom to live out your faith according to your conscience without fear of persecution, violence or imprisonment.

Religion speaks to the most essential and puzzling questions of the human condition. Who are we? How did we get here? Why did we suffer? What makes our lives meaningful? Where do we find wisdom and peace in a world plagued with confusion and chaos?

When a regime deprives a people of their right to practice their faith freely, they are depriving those people of their full humanity. They are cutting them off from the traditions that sustained their ancestors and defined who they are as a people.

This is precisely why Beijing has targeted the Uyghurs. Like all Communists, the Chinese Party maintains a general contempt for religion viewing it as an existential threat to its absolute

control over society. Beijing's goal is to impose ideological uniformity and eventually eliminate religion. As Xi Jinping has said, the Party leads everything. The CCP aims to maintain its monopoly to set the standards for how people think and act.

To do so, it must eliminate all significant expressions of difference, and religion is chief among those differences. The CCP forbids Uyghurs and other Turkic Muslims from following traditional dietary restrictions, performing daily prayers, growing a beard, wearing a head scarf, reading the Koran, and teaching the faith to their children.

Using the Uyghur language is restricted and frequently smeared as an expression of terrorist sympathies.

Since 2017, the CCP has detained more than a million Uyghurs and other Muslim minorities in Xinjiang in political re-education facilities. The documented atrocities against Uyghurs are sickening and evil, torture, forced labor, sexual violence,

forced abortion, and forced sterilization.

Earlier this year, Senator Merkley and I reintroduced the Uyghur Forced Labor Prevention Act to address the systematic use for Uyghur forced labor and ensure that Americans are not complicit.

Hundreds of thousands of Uyghurs, other ethnic minorities, labor in Xinjiang are forced to pick cotton. Figures from 2018 indicate that well over a half million people were compelled to pick cotton through the CCP's coercive labor training and transfer program.

Xinjiang produces more than 20 percent of the world's cotton. And it isn't just cotton. Other products include tomatoes, hair products, apparel, consumer electronics. We know that polysilicon from Xinjiang is also tainted by forced labor.

My bipartisan bill protects U.S. consumers from unknowing complicity in Uyghur forced labor. It creates a rebuttal presumption that would ensure that goods produced with Uyghur forced labor cannot

enter the United States.

The onus will be on companies to provide evidence that their goods coming from Xinjiang or other government labor schemes for Uyghurs were not made with forced labor. Let me be totally clear. There is no ability for companies to conduct business as usual in Xinjiang or where Chinese government programs have transported Uyghurs outside the region.

Put another way, proper due diligence on their supply chains is just not possible. CCP officials block it, and with so many issues, normal business practices do not prevail in China. The CCP refuses to play by the rules, and it ignores international norms.

The United States and the free world must respond strongly and quickly to the CCP's violations of human rights like forced labor. We cannot allow the CCP's perverse power and influence to warp us all through our economic entanglement with them.

It is long overdue for American companies to wake up to this reality. Should they choose to continue doing business where they know they may be complicit in human rights abuses, including genocide, we must call it out and do everything we can to ensure they do not make unknowing customers complicit in their actions.

Thank you again for holding this hearing and drawing attention to this important issue. There is a long road ahead until we end the abuses against Uyghurs and bring justice. We must remain firm in holding any CCP official responsible for these heinous crimes accountable for their actions. I will not stop fighting nor will I remain silent until all Uyghurs are free.

[End of reading of Senator Rubio's submitted statement.]

VICE CHAIR PERKINS: And that was the statement from Senator Marco Rubio who was unable to be with us today.

We are grateful for Senator Rubio for his

commitment to religious freedom in China and we deeply appreciate his partnership as well as Senator Merkley and others. And so we're grateful for his words today.

With that, I will turn the floor over to my fellow commissioner, Commissioner Gary Bauer.

COMMISSIONER BAUER: Thank you very much, Vice Chair Perkins, and I want to join in welcoming everybody to today's hearing.

Communist China's barbaric treatment of Uyghur Muslims should rightly be called the "stain of the century." Its persecution of Uyghurs is just one more example of a long and egregious history of religious persecution of many other religious groups, including Protestant and Catholic Christians, Falun Gong practitioners, and Tibetan Buddhists.

Quite frankly, I would like to know how American corporations can morally justify investing in Communist China at all. By doing so, they contributed to making more powerful a nation

controlled by a repressive regime that has literally declared war on all people of faith.

What's happening to the Uyghurs is particularly disgusting. As Chairman Manchin mentioned, the government has detained millions of Uyghurs in concentration camps. The Chinese Communist propagandists call this "reeducation camps" or "vocational training centers."

They must think we're idiots. The reality of these camps is simply evil. Horrific abuses are taking place there--torture, rape, forced abortions and sterilizations, political indoctrination, and forced labor, slavery.

Moreover, Chinese authorities separated more than a half million Uyghur Muslim children from their detained parents and placed them in state-run orphanages and boarding schools. There they are forced to praise the Communist Party of China as if that was a religion and the Chinese Communist leaders as if they were god.

As Vice Chair Perkins stated, U.S.

Department of State has already determined that these atrocities against the Uyghur people amount to genocide and crimes against humanity. As such, no government or company should ever condone or enable such crimes, much less U.S. companies, American companies, whose supply chains in China are likely tainted by Uyghur forced labor that the Communist Party approves and encourages.

Credible reports indicate that the Communist Party is now expanding forced labor to Tibet. These practices are morally outrageous. I'd like to remind all those listening to the hearing today, including representatives of American businesses, it's not only morally outrageous, but importing goods made by forced labor is illegal according to U.S. law.

U.S. companies operating in China must not therefore sit idly by intentionally ignoring the evidence and pretending that they can continue to conduct business as usual. You can't.

The U.S. Congress has already introduced

legislation to combat the problem of Uyghur forced labor, H.R. 6270, the Uyghur Forced Labor Disclosure Act; H.R. 6210, the Uyghur Forced Labor Prevention Act.

We were disappointed, in fact, outraged, to learn just a few days ago that the U.S. Chamber of Commerce has now openly come out opposing these bills, calling them "ineffective." Really? Is the Chamber suggesting they would like the laws to be tougher? We can accommodate that.

They didn't make any concrete suggestions, however, as to what U.S. companies should do to address their potential complicity in China's anti-Uyghur activities and atrocities and the Chinese Communists' general persecution of its people.

Given the magnitude and scope of Communist China's persecution against religious and ethnic minority groups, all U.S. companies must take extraordinary precautions to make sure their operations in China are not aiding and abetting the government's religious freedom violations.

We recently have learned that some U.S. companies have provided surveillance technology and equipment which is being used to perpetuate these abuses against religious minorities. Maybe some of those companies will be named today. I hope so.

In addition, Communist China has been exercising its economic and fraud geopolitical leverage, as well as engaging in nefarious influence operations all over the world, including here in the United States--even on our university campuses--to silence opposition and dissent to their brutal regime. This trend should outrage all of us. We must tell the truth. USCIRF will tell the truth. These witnesses will tell the truth.

These crimes must be exposed, and U.S. companies should explain why they would want to invest in a nation at war with the idea that their own citizens cannot seek God as their heart and soul leads them to do.

I look forward to hearing from this distinguished panel of experts on what the U.S.

government and American companies can and should do to address these pressing problems.

I will now turn it over to my colleague, Commissioner Nury Turkel, for his remarks and to introduce our outstanding witnesses.

COMMISSIONER TURKEL: Commissioner Bauer, thank you very much.

As Commissioner Bauer mentioned, U.S. companies have moral and legal duty to ensure that their supply chains in China are not tainted by forced Uyghur slave labor.

Otherwise, they risk being complicit in the largest persecution of an ethno-religious group since World War II.

In a recent New York Times op-ed, I commended some U.S. companies for taking this matter seriously, even cutting ties with their suppliers in China that were suspected--suspected--of using Uyghur forced labor. They are doing the right thing.

But many American and other international

companies continue to rely on third-party audits and inspections, assuming that these measures are sufficient to clear them of the problem of forced labor through their supply chains.

Let me be very clear. Third-party audits alone cannot guarantee that there is no forced labor in these companies' supply chains. Given the extremely repressive environment in the Uyghur region, in fact, the third-party audits and inspections are often quite meaningless, simply because many minority workers cannot tell the truth about their circumstances for fear of retaliation.

The U.S. government has taken extraordinary steps to counter forced labor in the Uyghur region, including banning imports. Secretary of State Antony Blinken has indicated his agreement with the Trump administration's determination regarding genocide and crimes against humanity.

And the Biden administration has expressed its desire to work with international allies to

address China's coercive economic practices, including forced labor.

U.S. companies must follow suit by stepping up and moving beyond the existing and insufficient supply chain due diligence measures.

I look forward to hearing from our distinguished witnesses on how best to tackle the Uyghur forced labor problem and what U.S. companies can do to make sure they don't become complicit in these atrocities. Sadly, the forced labor problem is still occurring in the Uyghur region as we speak.

Now I would like to briefly introduce our witnesses. I'll keep my introductions short to leave as much time as possible for questions and answers.

More detailed bios of the witnesses will be shown in the chat box and can be found on USCIRF's website.

Our first witness today is Dr. Sophie Richardson, the China Director at Human Rights

Watch.

Next is Ms. Louisa Greve, the Director of Global Advocacy at the Uyghur Human Rights Project.

Mr. Scott Nova, the Executive Director of Worker Rights Consortium, will follow.

After Mr. Nova, we will hear from Dr. Adrian Zenz, a Senior Fellow in China Studies at the Victims of Communism Memorial Foundation.

And lastly, we will hear from Ms. Olivia Enos, a Senior Policy Analyst at the Asian Studies Center at the Heritage Foundation.

Now I would like to give the floor to our esteemed witness, Dr. Richardson. Please begin.

DR. RICHARDSON: Thank you very much. Thanks to all of the commissioners and to the staff for inviting me to join you. It's an honor to be here.

I have two large questions I'm going to try to tackle in very short order so I hope you'll forgive a bit of an overview approach.

But with respect to how the Chinese

government under Xi Jinping, in particular, silences those who speak out on behalf of their human rights or religious freedom, I've tried to narrow the list to five particular strategies.

The first, the Chinese government prosecutes people on baseless charges for behavior that is in no way criminal. In that category, we can put cases that range from Nobel Prize winner Liu Xiaobo and well-known Uyghur economist Ilham Tohti, all the way through to Zhang Zhan, a citizen journalist who was doing no more than trying to share information about the Covid outbreak in Wuhan. She's currently serving a four-year sentence.

The second strategy is through house arrests or other forms of arbitrary detention. Let's recall the case of the Panchen Lama or of Xu Yan, the wife of baselessly imprisoned human rights lawyer Yu Wensheng. Xu Yan is basically unable to leave her home and is monitored around the clock.

The third strategy for silencing people is

through enforced disappearances, either domestically or abroad. In that category, we would place a number of Uyghur men and boys who were detained, disappeared in the wake of the 2009 protests there, through to Tibetan monks who have been detained simply for sharing information with their communities in India, all the way through to Gui Minhai, a Swedish publisher who was enforcibly disappeared from Thailand in 2014.

Fourth, we see the Chinese government use punishments or threats of punishments or implied punishments to foreign entities, those operating inside China or those outside China who want to be operating inside of the country.

Let's all recall, for example, the Houston Rockets. But this pathology now stretches outward and involves institutions like academic universities that silence themselves out of a desire to establish relationships with counterparts in China.

And then last, but not least, I want to

also recall the punishments of family members inside China of activists outside China who are simply speaking up, oftentimes on family members' behalf. And, in this category, I'd like to remember our friend Rushan Abbas, whose sister is now serving a 20-year sentence for being Rushan's sister, someone who has committed no crime.

So that should give a little bit of a snapshot of some of the ways that people are silenced.

Let's flip it around and talk about what the United States and other governments and members of the international community can do about this.

The first obvious step, of course, is to keep speaking out about these kinds of cases and calling at the highest levels for these people's release. But I think there are two other principles to bear in mind as people think through their advocacy.

The first is that I think we need to devote ourselves to the cause of ending the Chinese

government's sense of impunity. It has never really been forced to pay any particular cost for horrific human rights violations.

I think the second principle is that, you know, the Chinese government should be treated like other governments that are committing serious human rights crimes. Let's think about the strategy and tactics that have been used for the Rohingya, for example, or with North Korea or Venezuela.

Let's not forget that there are strategies and tools available to all of us. So in that spirit, Human Rights Watch is a very strong proponent of an independent investigation into the serious human rights violations against Uyghurs and other Turkic Muslims, done through the auspices or under the auspices of the United Nations.

But let's not forget that there are also possibilities for prosecutions at the national level. Universal jurisdiction cases are notoriously difficult, but they are possible. They are possible. And we shouldn't forget that.

We're also strong proponents of the idea that there should be a standing mandate at the Human Rights Council that focuses specifically on China to monitor and report back to the Council about human rights violations.

Targeted individual sanctions. The past administration imposed some on individual members of the Chinese government and placed some companies and entities, like the Bingtron [ph] on the Entities List. We'd like to see more of those for a number of different situations. And that's a strategy that should be coordinated with like-minded governments.

Similarly, I think the U.S. government should be insisting, and legislate it if it must,-- we are supporters of that approach--the kind of human rights due diligence, you know, and the rebuttable presumptions that are essential, we think, to combating forced labor. There's a lot of room, I think, also for working with parliamentarians in other countries to bring

forward similar legislation.

And then, last, but not least, I think the United States has to provide, must provide, support and safe haven to anyone who is seeking shelter, support, and refuge from the long arm of the Chinese government. That's not just for people who are already here. That is for terrified and desperate people who are standing in some other country in need of protection. U.S. embassies should open their doors and let people in.

That should be a priority. It is a powerful statement of a government's commitment to people who have done more than ask that their rights be respected. They need help. The U.S. can lead the way on that, and I see no reason why it couldn't.

I'll stop there. I look forward to hearing from my colleagues. Thank you.

CHAIR MANCHIN: Thank you so much, Dr. Richardson, and now we will hear from Louisa Greve.

MS. GREVE: Thank you so much.

The Uyghur Human Rights Project is deeply grateful to USCIRF for its strong leadership on this issue, including today's hearing.

I'd like to start with a positive message. We do have evidence now that international pressure is beginning to have an impact. So on economic impacts, one of the textile companies most active in the state organized forced labor scheme, Huaifu Fashion, actually cited the effects of sanctions in an official filing with the Shenzhen Stock Exchange, reporting a \$55 million loss in 2020 compared with a \$62 million profit in 2019, and cited sanctions, saying multiple American brands have canceled orders. It's brought negative effects to the company.

We obviously need a lot more of this. And it needs to be not just American brands. It needs to be global.

I'd also like to mention that diplomatic pressure is clearly having an effect. Now, of course, the Chinese government continues, as Sophie

said, to intimidate and punish journalists who are investigating corporate complicity. It continues to threaten and coerce Uyghurs, survivors and witnesses, both in the U.S. and in other countries.

So I would urge USCIRF to highlight this as a diplomatic priority for the U.S., mobilizing collective action by like-minded countries, and indeed all countries that value the protection of the civil rights of people on their own soil, to put an end to this continued long-armed harassment through safe haven, the Uyghur Human Rights Protection Act, just introduced yesterday in the House, but more than that, to make the Chinese government pay a price for harassing through the phone, through phone calls, through threats to family members.

But I do believe the Chinese government is now on the defensive in a new way. Spokespersons are starting to sound truly desperate in their rhetorical defenses. They are calling witnesses and other governments liars, which is the last

refuge when you have nothing else to say.

So my assessment is that officials do recognize that their propaganda narrative about alleviating poverty and inciting extremism, now that narrative has zero credibility in the English-speaking world, at least. And then we have to work more on the rest of the world.

And I do believe that a tipping point is within reach. When the economic lure of the China market combined with the CCP strong-armed diplomacy and intimidation, when that will no longer be strong enough to fend off multilateral action and action by governments.

So just to give a few examples. In the UK, as you know, the Parliament has two ongoing inquiries on corporate supply chains. A major push by the House of Lords on a genocide, making possible a genocide recognition that would be a condition, trade on human rights.

The Dutch and Canadian parliaments have recognized the genocide. Canada and Australia have

forced labor measures coming up. And Belgium is next.

So the U.S. government must work with these allies to do much more. I hope USCIRF will formally recommend this kind of collective action as a major priority for the Biden administration's UN work, and I want to specifically mention the ILO, the International Labor Organization, the peak body in the UN system for labor rights, has maintained 100 percent silence to date.

So we are finally seeing--I want to mention movement in the private sector. The U.S.-China Business Council is on the record opposing the Uyghur Forced Labor Prevention Act. But--sorry--the U.S. Chamber of Commerce. But the U.S.-China Business Council is on the record just this weekend saying the forced labor program is being discussed among its members multiple times every week, quoted saying, "what we hear from companies is alarm and concern about what is happening and also about being associated with what is

happening."

As a cynical view, we could say, well, being associated is the important thing, but in any case, there is not just an attitude of ignoring the issue.

However, of course, there is still shocking diplomatic and industry inaction. As mentioned, five major industry associations actually are on the record opposing the Uyghur Forced Labor Prevention Act. That is not only the U.S. Chamber of Commerce, but the American Apparel and Footwear Association and three others.

In September, they said, they ridiculed this act, saying they ridiculed it for, quote, "branding anything and everything associated with the Xinjiang Autonomous Region as made with forced labor."

So this betrayed an astonishing ignorance of the conditions in the Uyghur homeland. However, even there, there is some change. Just briefly, I'll mention that in January, these industry

associations wrote again to congressional leaders and had clearly learned a lesson. They worked hard to remove any hint that they were unfairly targeted by U.S. action to uphold the U.S. law, mentioned by the commissioner, and they, in fact, put in a language saying they recognized that the issue is structural policies in the Uyghur region.

So the pressure is working there. I want to say that pressure on corporate ties with the Chinese surveillance companies is almost at zero, and that needs much more attention. I don't have time to go into it.

But I will say on government action, the U.S., of course, remains the global leader. So according to UHRP's tally, the U.S. has imposed a total of 68 sanctions in response to the ongoing genocide since October 2019. So no other government has imposed sanctions, just a couple of resolutions.

So out of the U.S. sanctions, out of 68, 67 have some economic dimension. So that includes

11 CBP import bans, 48 export bans, and Global Magnitsky sanctions on two entities and six individuals.

So I have a number of other recommendations. I'll focus on one right now, which is about one of the officials under Magnitsky sanctions. Sun Jinlong is a former political commissar--that should take you back--of the Xinjiang Production and Construction Corps. So as CECC has noted, his current position is Vice Minister of Ecology. So I believe USCIRF will want to urge the U.S. government to make a policy that under no circumstances will the U.S. government be in the same room as Minister Sun on climate negotiations.

And given that the Uyghur region is the source of 45 percent of the world's solar-grade polysilicon, we do recommend that USCIRF arrange a hearing on these issues, not only for Climate Envoy John Kerry at State, but also for the Energy Department, the EPA, U.S., UN, and other agencies.

So I'm happy to answer questions about some other recommendations in my written testimony from appropriations to fund robust CBP enforcement of import bans, but also questions about a UN Commission of Inquiry, what the industry associations need to do, the Olympics, and the ILO.

Thank you so much for the opportunity to testify today.

CHAIR MANCHIN: Ms. Greve, thank you so much, and we too look forward to that discussion.

And now we welcome Scott Nova, please.

MR. NOVA: Chairwoman Manchin, Vice Chairs Perkins and Bhargava, members of the Commission, I appreciate the opportunity to present testimony on this vital topic.

Our organization has been researching forced labor in the Uyghur region and connections to global corporations since 2018. And we've reached a conclusion shared by human rights, labor rights, and Uyghur groups around the world: the only way corporations can ensure that forced labor

is not used in the manufacture of the goods they sell is to ensure that no element of the production process from the procurement of raw material to final assembly takes place in the Uyghur region.

Because forced labor in the region is systematic, carried out not only in the pursuit of economic profit, but also as a means of social and political control, the risk of forced labor is ubiquitous, infecting potentially any farm or factory.

At the same time, the means that a responsible corporation would normally use to verify that labor is uncoerced at a workplace within its supply chain cannot be used effectively in the region.

Such due diligence depends on the ability to talk candidly with workers about the circumstances of their employment. Anyone remotely familiar with the climate of fear that prevails in the region understands that the idea of a candid conversation with a Uyghur worker about the issue

of forced labor is a fantasy.

As a result, it is a practical impossibility for a corporation to source from the Uyghur region without using forced labor, which means that every corporation that has chosen to stay in the Uyghur region is complicit in the crime of forced labor. If that corporation is importing any goods with content from the region into the United States, whether from China or from third countries, it is doing so in violation of U.S. law prohibiting the importation of goods made with forced labor.

Yet, despite the fact that the crimes against humanity in the Uyghur region have been visible to international observers for a period of years, a vast number of global corporations, particularly but not only in the apparel sector, continue to source goods from the region.

The scope of the problem is huge. Prior to the pandemic, the Uyghur region was producing one-fifth of the global apparel industry's cotton.

From Target to Walmart, from Lululemon to Uniqlo, from Amazon to Zara, the supply chain of virtually every brand and retailer that sells cotton garments runs through the Uyghur region unless that brand or retailer has established and executed an official policy to cease sourcing from the region. None of the corporations I have just listed make any claim to such a policy.

As a result of the complicity of these corporations and many of their competitors, millions of articles of clothing with content from the Uyghur region clear U.S. ports everyday.

Our organization is part of the coalition to end forced labor in the Uyghur region, which has called on apparel brands and retailers to publicly commit to end sourcing from the region. A modest number of the brands and retailers have now made this public commitment.

A larger number have indicated privately that they are leaving, and the momentum is growing, but private commitments are inadequate. Indeed,

the silence serves to embolden the Chinese government.

The problem of complicity extends far beyond apparel. The Uyghur region is also one of the world's primary producers of tomatoes and tomato-based products, the other sector besides cotton that is the subject of the region-wide Withhold Release Order issued in January.

The tomato supply chain is hard to trace, but we know that processed foods containing tomatoes from the region are flowing into the U.S. in substantial volume. This is why aggressive enforcement of the Withhold Release Order is vital in both the cotton and tomato sectors.

As has been noted, another sector that is substantially dependent on material produced in the Uyghur region is the solar industry. Several of the world's largest producers of polysilicon, a vital component of solar panels, are located in the region, including GCL-Poly, East Hope Group, and Jinko Solar.

These and other firms in the region account for a stunning 40 percent of the solar industry's global supply of polysilicon. Further research is required to determine with precision the prevalence of this polysilicon in solar goods sold in the U.S., but there is no doubt that a sizable percentage of the solar panels that will be installed in American homeowners' roofs this spring will contain material produced in the Uyghur region.

We have heard rhetoric from the solar industry about the issue, but we have not seen action. At this juncture, no responsible corporation in any sector should be sourcing anything from the Uyghur region.

With respect to the U.S. market, if corporations will not end their complicity with forced labor, the U.S. government should utilize all of the policy and legislative tools at its disposal to end that complicity for them.

I want to conclude by noting something

that is obvious but bears mention. As we watch, for example, the events unfolding in Myanmar, we recognize that brutal attacks by governments on civilian populations are not a phenomenon unique to the People's Republic of China. Human rights abuses are a global scourge and should be denounced and opposed wherever they occur, regardless of the geopolitical position of the perpetrators, including when U.S. allies are responsible parties.

What makes the human rights abuses in the Uyghur region a matter of overarching concern, and deserving of the intense focus they're beginning to receive in the United States, is that by scale and nature these are the worst human rights abuses taking place in the world today, and also that corporations based in and selling goods in the United States are deeply complicit, which means that American consumers, American labor rights advocates, and the American government have the power to do something about these crimes.

Thank you.

CHAIR MANCHIN: Thank you so much, Scott.

And now Dr. Adrian Zenz. Look forward to your remarks.

DR. ZENZ: Thank you very much to the entire Commission for inviting me to testify today.

After the short-term strategy of subjecting Uyghurs, Kazakhs, and other Turkic ethnic minorities in Xinjiang to internment and re-education camps, short-term in terms of the intensity--the camps, of course, are still going--Beijing has been shifting into a longer-term strategy of assimilation, and that is where forced labor comes into play.

The state's long-term strategy in Xinjiang is predicated upon a perverse and intrusive combination of forced labor, intergenerational separation and social control over family units, much of it being implemented under the guise of "poverty alleviation."

The state places the vast majority of adult Uyghurs and other minority populations, both

men and women, into different forms of coercive, or at least involuntary, labor intensive factory work and other labor transfers.

The first program is the transfer of agricultural rural surplus laborers into secondary or tertiary sector work.

The second program is to release those in vocational internment camps into forced labor. Typically, this is achieved through a combination of internment camp workshops, large industrial parks, and village-based satellite factories.

While the parents are being herded into full-time work, their children are put into full-time education and training settings. This includes children below pre-school age, infants and toddlers, so that ethnic minority women are being, quote-unquote, "liberated" and "freed" to engage in full-time wage labor.

Both factory and educational settings are state-controlled environments that facilitate ongoing political indoctrination while effectively

barring or directly barring religious practice.

As a result, the dissolution of traditional religious and family life is a matter of time. The targeted use of village work teams and village-based satellite factories means that these "poverty alleviation" measures amount to a scheme that penetrates every corner of ethnic minority society with unprecedented pervasiveness.

Labor transfers constitute forcible transfers of civilian populations in a form of intentional displacements that are designed to tear apart families and communities, reduce population density, and alter a region's demographic composition in order to facilitate government goals.

Factory parks and satellite factories are closed and surveilled, even often securitized environments. Documents describing the transfer of ethnic minorities to other parts of China state that they are not permitted to practice their religion. These full-time labor-intensive work

environments prevent religious practice through a lack of related facilities and mandatory work weeks that often extend from Mondays to at the very least Fridays, but also reportedly, and according to documentary evidence, also often on weekends.

These intentionally secular work environments also preclude other religious practices, such as prayer or fasting.

The tearing apart of family and community units further disrupts the practice and transmission of religiosity and other cultural practices.

Forced labor and centralized care of children serve to effectively inhibit the intergenerational transmission of culture, religion and language by reducing joint family times and instead drastically increasing parents' and children's exposure to secular government teaching and training.

Most recently, the Nankai Report, a non-public document compiled by Chinese academics,

openly testifies to the fact that Xinjiang's labor transfer program is designed to assimilate Uyghurs and reduce their population density in their traditional heartland.

Numerous other reports produced by Chinese academics describe labor transfers as a crucial means to, quote, "crack open the solidified society," unquote, of Uyghurs and to mitigate the negative impact of religion. They state that lax family planning policies produced a severely excessive number of Uyghur rural surplus laborers that now constitute a latent threat to current regime.

According to a legal analysis compiled based on the findings of my latest research report on coercive forced labor transfers, Xinjiang's labor transfer program meets the criteria of the crime against humanity of forcible transfer set out in the ICC's Rome Statute and the crime against humanity of persecution, Article 7(1)(d) and (1)(h).

The evaluation, the legal analysis evaluation states that the evidence from the study violates the prohibition against forcible displacements in that safeguarding the right and aspiration of individuals to live in their communities and homes without outside interference. Quote from the legal analysis document.

This inability to live as part of one's community also serves to destroy the ability of Xinjiang's ethnic minorities to engage in religious and spiritual practices. We therefore have increasingly strong evidence of a direct link, both intentional or part intentional, between coercive labor, labor transfer, religious persecution, and a direct prohibition and restriction on religious practice and transmission of religious knowledge in Xinjiang.

Thank you.

CHAIR MANCHIN: Thank you, Doctor.

And to certainly wrap up our testimonies today, we welcome Olivia Enos. Thank you.

MS. ENOS: Thank you.

I think Uyghurs in China are facing an unprecedented assault on their civil liberties and freedoms.

It is quite possible that some of the world's worst human rights violations in 21st century are happening right now as we speak in Xinjiang.

Since 2018, the Chinese Communist Party has stopped at little to advance its priorities including by carrying out what the U.S. government determined constitutes ongoing genocide and crimes against humanity.

Part of the CCP's systematic assault on Uyghurs includes subjecting them to forced labor, a form of human trafficking under U.S. and international law.

There are two especially pernicious forms of forced labor currently taking place in Xinjiang. These include, first, the practice of forced labor transfers both inside and outside of Xinjiang. A

report by my co-panelist, Adrian Zenz, estimates that in 2018 alone, at least 570,000 Uyghurs were mobilized for cotton picking labor-transfer schemes.

There is especially robust information about the extent to which these programs are integrated in Xinjiang's cotton and tomato markets, as well as for the purposes of producing personal protective equipment and textiles.

A second form of forced labor occurs in prison camps and prison camp adjacent facilities. BuzzFeed's investigative work details how 170 of the nearly 260 political education camps in Xinjiang are believed to have factories directly attached or adjacent to the camps where 1.8 to three million Uyghurs are currently held, and no doubt a certain percentage of them are forced to labor.

In response to these concerns, the U.S. Customs and Border Protection, CBP, has developed tools to stop goods produced with forced labor from

entering the U.S. market. Congress has introduced legislation that would expand these authorities. The business community has requested Congress and the executive branch's support in ensuring that their supply chains are clean, and the executive branch is looking for ways to improve its response.

Forced labor in Xinjiang is a bipartisan priority, one that its momentum should be seized on in order to refine the tools that the U.S. government has to respond.

I will focus the remainder of my testimony on some potential steps the U.S. government can take in conjunction with the business community to ensure that no goods produced with forced labor make their way into U.S. markets.

To do so, Congress and the executive branch should take an evidence-forward approach to tackling the challenge. Specifically, Congress and the Biden administration should take the following five steps:

One, create a narrowly tailored rebuttable

presumption that goods produced in certain sectors of Xinjiang were produced with forced labor. There is significant evidence that substantial amounts of goods produced in Xinjiang are tainted by forced labor.

However, it is not yet clear that the entire region is devoid of legitimate industry. Therefore, a rebuttal presumption should be created that all goods produced in political re-education camps and political re-education camp adjacent facilities, as well as forced labor taking place through labor transfer schemes should be considered forced labor and therefore banned.

This narrowly tailored rebuttable presumption may serve as a precursor to rebuttable presumptions that extend to the entire region.

Second, the U.S. government should establish an expanded region-wide Withhold Release Order. The CBP should issue a Xinjiang-wide WRO under a two-year trial period to determine the percentage of goods produced in Xinjiang that are

made with forced labor.

For the two-year period, Congress should mandate a quarterly report from the CBP detailing ongoing and completed investigations, and companies and perpetrators found with forced labor in their supply chains, as well as individuals and entities within the Chinese government responsible for perpetrating forced labor in the region, who may actually be--it may be possible to actually sanction them.

The third action the U.S. government should take is to increase resources to an underresourced Customs and Border Patrol Forced Labor Division.

The fourth step it should take is to improve public awareness about the Custom and Border Protection's Forced Labor Division tip portal and hotline. CBP relies on tips from individuals, industry experts, lawyers and others to track down potential shipments of goods produced with forced labor, and awareness of these resources

really needs to be increased.

Fifth, the U.S. should build a coalition of allies in Asia and around the world to combat forced labor. One of the strengths of U.S. diplomacy is the commonly shared values among U.S. allies.

Australia, Japan, South Korea, the European Union and others should consider adopting similar measures to the U.S. to ensure that goods produced with forced labor from Xinjiang do not make their way into their own markets.

The need to address human rights challenges in China will remain pressing in the early days of the Biden administration. Seizing on the bipartisan political momentum to tackle the severe rights violations taking place in Xinjiang is a good place to start.

Addressing forced labor there is a discrete challenge with practical policy solutions to remedy those challenges and to ensure that goods produced with forced labor in Xinjiang no longer

make their way into U.S. markets or into any markets around the globe.

Thank you so much.

CHAIR MANCHIN: Olivia, thank you.

And again to all of our witnesses today, thank you so much for the information that you have brought forth, and I know our commissioners have some questions for a great discussion, and I am going to ask our Second Vice Chair Anurima Bhargava, if she would like to ask the first question?

VICE CHAIR BHARGAVA: Thank you, Chair Manchin, and thank you to all of the witnesses.

So I really appreciate the positive elements that Dr. Richardson and Louisa tried to highlight, and I also appreciate the ways in which many of you had recommendations for ways in which we can monitor and regulate.

I want to ask a question just broadly, which is given the concerns about due diligence, given the ways in which journalists and others who

are trying to document what is happening with forced labor, and given the prescription that in order to actually address these issues, it has to be at every level, as Scott spoke to, I'm wondering what you think about a proposal to basically say that the U.S. bans any products?

And I'm understanding that it will take some time, and so I'm wondering what it is that Scott shared with us that would ban any products that are coming from Xinjiang and the region because I'm not clear from what all of you are sharing that there is going to be a way to do this in a more nuanced way?

So I wanted to posit that to all of you and see if that is something that in the world of the recommendations that we make as a Commission to the administration and to Congress, if, how we should think about that?

CHAIR MANCHIN: Who would like to begin?

DR. ZENZ: I would argue that Xinjiang's coercive labor is such a comprehensive system now

that we increasingly understand that it comes through different systems and affects millions of ethnic minority workers. It does primarily relate to the lower end, the low-skill end of manufacturing and work, not so much to anything high-tech.

However, there is some evidence, and growing evidence, that they are going to increase in their skill and training. And so, for example, the "Karakax List," a list, elite list of persons from internment camps, vocational and internment camps, who are then released, some of them were released to like a tertiary college to get training and then be placed into labor, directly from a vocational internment camp, and that's, you know, the increase in training of some of these coercive placements is something that we're going to see over time.

Also, if you look at the nature of the police state, the nature of the repressions, it is very hard to say at what point is it voluntary? I

think the most likely voluntary part is if it's Han Chinese and not ethnic minorities. Anything affecting ethnic, Turkic ethnic minorities, but even the Hui minorities, there is always an element of coercion in there, and therefore I think the Uyghur Forced Labor Prevention Act, which creates the rebuttable presumption that anything manufactured in Xinjiang is, involves some level of coercion is, in my opinion, justified, especially if you look at the definition of forced labor by the International Labor Organization.

The definition of forced labor is that it is either under the threat of penalty or--and that's an "or," not an "and,"--or it's involuntary. So even a job that gets you paid, that might have good work conditions, but it's somebody's placed into that job against their will, that's, under the ILO, that is forced labor because it's not voluntary. The voluntary nature counts.

And the Labor Transfer Program operates with mandatory quotas and mandatory targets that

are closely enforced by government.

So I believe that the rebuttable presumption as a general starting point is the best way to go, and then if somebody is able to prove conclusively, look, we have a supply chain that for sure doesn't have forced labor, sure, that's fine.

But the assumption is that there is coercion involved, and I think that's highly justified, and the CECC created that policy based on my research and with recommendations from the hearing in 2019, and that thing still hasn't been passed that, you know, that that hearing was in October 2019. That's like a year-and-a-half ago almost, and that is the best piece of policy that can be, that should be passed, in my opinion.

DR. RICHARDSON: Another quick--oh, I'm sorry.

CHAIR MANCHIN: No, no. Go ahead, please.

DR. RICHARDSON: Thank you.

I just wanted to add that if we try to imagine how we create a better situation in the

long-run, right, I mean I certainly agree with what Professor Zenz has just offered up, if the theory of change is to try to sort of pry the window on Xinjiang open so that, for example, real due diligence could take place, you know, of the kind that, for example, Mr. Nova could explain in great detail to us of what companies ought to be able to do. You know, that's what we all want to happen, to have decent work conditions in this region and for people to not be forced or coerced into working.

But I think one of the challenges is simply that the same constraints that are imposed on a journalist or organizations like mine in that region are exactly what prevents third-party auditors from doing adequate human rights due diligence.

So if the governing principles here is that of a rebuttable presumption, great, that sets up the standard and a reality to be worked towards to make that kind of not just commercial activity

but the ability to access, for example, people who were arbitrarily detained in political education camps, right? I mean it's not just about getting human rights due diligence done for commercial purposes, but also for human rights inspectors to be able to get facts about the scope and scale of human rights violations there.

So I think it's important to see or to think about the rebuttable presumption idea in this broader context about not just keeping U.S. commercial activity going, but rather the world being able to have access to that region. You know, Uyghurs outside the country being able to talk to their family members and know where they are. That's, I think, a key part of this, this discussion.

MS. ENOS: And if I could add something as well? Thank you, Anurima, for your question and I really appreciate it.

I agree with what's been said before, but I think that when we think about our policies that

we're crafting, we need to make sure that it is really evidence-forward. All of us on this call know that forced labor is massive and rampant in the Xinjiang region.

But many businesses may seek to continue to do business there, and CBP itself should have to do some forms of investigation to be able to say, yes, okay, this, these goods were produced with forced labor, and I think that if you were to first start with a two-year region-wide Withhold Release Order where that investigation and investigative work was a little bit more in-depth, then you would have the ability to say to Uyghurs, to say to the Chinese Communist Party, to say to businesses, this region has such a high percentage of goods that are produced with forced labor, that we should not be operating and doing business there.

And I think that we have a lot of evidence out there, but I think if you had CBP doing that through an expanded Withhold Release Order within an eventual region-wide rebuttable presumption, I

think you would actually have stronger tools to be able to tackle those forced labor challenges and also the evidence to say this is unquestionably happening.

So I think we can kind of use some of the tools that we already have in our tool kit to be able to demonstrate the extent to which forced labor is taking place there and to be able to refine those tools so that even in other contexts, because we know, as Scott mentioned in his remarks, other countries engage in human rights violations and forced labor, too, and these are newer tools that we're working to refine and work with.

And before we can even start I think expanding a lot of these issues, we've got to get more resources to CBP and greater awareness of these tips and hotlines because otherwise different entities are not going to be able to know that they need to be reporting suspicious activities, suspicious shipments that are emanating from the region.

MR. NOVA: If I can just jump in for a second. I agree with Olivia about the need for greater resources for forced labor enforcement. The Chinese government has created by virtue of practicing forced labor on a massive scale and making due diligence impossible, the government has created a situation in which it is impossible to carry out commerce in the Uyghur region in a responsible fashion, which is why all corporations across sectors should be leaving.

It's also why the rebuttable presumption as a concept and a policy tool is so vital here. There is a symbiotic relationship between the Chinese government's efforts to make it as difficult as possible to get information out of the region and the efforts of certain corporations to obfuscate the reality in order to justify their continued presence.

In other words, these corporations cite the fact that it may be difficult to prove the presence of forced labor at this moment at this

particular workplace as a justification for continuing their presence. Their ability to make that claim, of course, derives from the Chinese government's success in making it impossible to carry out the kinds of human rights investigation we'd like to see, making it possible for people to get information out of the region.

This is why the burden of proof must be placed on those corporations that wish to continue doing business there. They must affirmatively demonstrate with hard information that they are, in fact, engaging in commerce responsibly, and that the workplaces they are using, whether it's a cotton farm, a polysilicon plant, or a manufacturing facility, they must demonstrate with hard evidence evidence that those workplaces are free of forced labor. If they can't do that, they shouldn't be importing goods into the U.S.

CHAIR MANCHIN: Anyone else?

If not, again, to continue our discussion, Commissioner Moore, I know that this is a passion

of yours. Do you have a question you would like to ask?

COMMISSIONER MOORE: Sure. Thank you, chair.

First of all, let me add my thanks to our extraordinary witnesses. I think this is indicative of USCIRF, you know, as a Commission, we're able to facilitate incredible timely conversations. And so I want to thank all of you for making the time.

It's also a good opportunity to remind everyone who will view this that over 20 years ago, in USCIRF's first report, we mentioned the Uyghurs-over 20 years ago. And as Professor Zenz said, at a hearing a year-and-a-half ago, in Congress, we are, there are recommendations coming in every, every direction.

The issue is implementation of those, of those recommendations. Everyone is talking about the Olympics. Should the Olympics be canceled? Should athletes boycott the Olympics? Should

businesses boycott sponsoring the Olympics?

Or should the Olympics just be moved to Japan, and you don't have any of these, any of these problems? But everyone is talking about recommendations, recommendations, recommendations.

So I want to ask a very, very simple question. Okay. I'm going to take our witnesses back to elementary school for the everyday person that will view this. It's a compound question. I'd like you to give a grade, okay, I'd like you to give a grade to American business, A to F, on their dealing with the issue within the United States of forced labor, you know, among the Uyghurs in China, A to F.

I would like you to give a grade, A to F, of the present administration. You know, part of our responsibility isn't just to recommend to Congress, but we are, we're a watchdog for the foreign policy of the U.S. government. So I would like--and please resist saying it's too early to tell. We understand that. I think given early

indicators, give an A to F to where the present administration is on the issue.

And then, finally, you know, if you can reiterate one simple recommendation, if you were all powerful, and the Biden administration tomorrow did one thing, what would that be to make this marginally better?

And I'll open it to all the witnesses.

DR. RICHARDSON: I'll bite.

[Laughter.]

CHAIR MANCHIN: Thank you, Dr. Richardson.

DR. RICHARDSON: No problem. Okay. Well, if we're talking specifically, Reverend Moore, about U.S. businesses' reaction to the news, the information about forced labor and the prospects of legislation, I guess from my perspective, we would give it, I'm going to go with, I was known as a mean TA in grad school, so I'm going to with a C-minus, somewhere between a D-plus and a C-minus.

You know, the companies that have fronted up and agreed to the call to action, you know, they

get, I think, a B for having taken that step.

But I think there's still a huge amount of denial and effort to sort of foist responsibility off onto governments to make it, you know, to give them a set of rules to point to and an effort to really kind of shift the blame or say there really isn't a problem or you don't have evidence about my specific supply chain and therefore there isn't a problem here.

For the Biden administration, you know, um, what's the grade, what's the grade? It's sort of on academic probation. But I'm going to give it somewhere between a, sort of in the B-minus category. It's good to hear it using the term "genocide." It's a little wobbly in the last couple of days. Not sure where they're going with that.

I think a lot now is going to depend on, you know, what plan they actually have to move forward on a lot of these different kinds of issues, and maybe we'll hear some more from

Secretary Blinken, who is testifying before HFAC, and there are now reports that he and NSA Sullivan are going to meet with Wang Yi and possibly, possibly with Wang Yi and others this weekend en route to Japan. We'll see what comes out of that.

So it's a conditional grade at the moment.

If I could make one rec to the Biden administration, it's that I want them to orient their China human rights policy around the goal, even if we all agree that it's a really tough one to reach, of seeing officials like Chen Quanguo prosecuted for serious human rights crimes.

MS. ENOS: I'm happy to go next in terms of offering grades. For American business, I'm with Sophie. I'm between a C-minus and a D. I think that you can't universally say that every single business has responded the same way because they haven't. Different businesses have responded differently.

Some have pulled their operations organically. I think the NBA actually is one

example of this where they stopped their training camps in Xinjiang, and this was due to public pressure. So that should actually embolden us as individuals, as citizens, that our outrage over their involvement in the region can actually effectuate change and result in businesses making different decisions.

So the government should come alongside of that, and also make clear that businesses cannot operate with impunity, and that it is 100 percent illegal to have forced labor in your supply chain. So C-minus or D for me depending on the corporation.

On the current administration, I also give them a B-minus because of their wiggleness on the atrocity determination, and this actually kind of flows into my number one recommendation, which is that I actually think that the Trump administration handed the Biden administration a freebie by issuing that atrocity determination on the last day. It gave the Biden administration permission

to pursue really practical policies and next steps.

And so I'm going to cheat a little bit and say that there are three next steps that I think should be taken: extending P-2 to Uyghurs, Priority-2 refugee status, to offer them safe haven here in the U.S.; two, tackle forced labor through the recommendations that I already outlined in my remarks; and then, third, I think that the U.S. businesses, citizens, government needs to be pressuring the International Olympic Committee to reconsider China's suitability to host the Olympics.

This is a comprehensive package of policies. I recognize it's a big ask, but there is actual momentum in Congress, too. We don't just have an executive branch to take these steps; we have Congress. We have the American people. We need to continue to build on the momentum from that atrocity determination to go ahead and get more things done so that the Uyghurs have their plight alleviated in some way tangibly due to U.S.

government action.

COMMISSIONER MOORE: I just want to say a thank you to both of you. Out of deference to my colleagues, because we have the entire Commission on here, which is an unusual opportunity, with not much time left, so I don't want to lay the expectation everyone has to answer. If anybody else wants to say very quickly, in like 30 seconds total, the rest of you, fine. Otherwise, I'll turn it back over to Chair Manchin.

CHAIR MANCHIN: Anyone wanting to speak on this?

Okay. All right. Well, I know that we have commissioners, in fact, very fortunate we have I think all of our commissioners on today because of the, certainly, the horrific aspect of our hearing today. But I would certainly reach out to Commissioner Carr or Commissioner Davie. Do one of you have a question for our witnesses?

COMMISSIONER DAVIE: I don't, Gayle. I would like to thank you, Chair Manchin.

I would like to know at some point a little more about the tool of "evidence-forward" as a way of understanding and responding to this situation. I won't--I'll see if I can't get myself educated a little bit more on that off line.

But I want to thank all of our speakers. I made a special point in coming today because of the seriousness obviously of this, of this situation. I do think it represents a sort of modern genocide and the designation of a people to concentration camps in a way that has not existed it seems to me in my lifetime.

So I think what we do here will speak to what we do in other places as these situations arise.

So I thank all the speakers and I thank you for the opportunity. I don't have a specific question, but I do look forward to educating myself even more on some of the issues that were raised today. So thank you.

CHAIR MANCHIN: Thank you, Commissioner

Davie.

Commissioner Carr.

COMMISSIONER CARR: Thank you, Madam
Chairman.

I'd just like to add I don't have a
question either, but the panelists have been
incredible. I want to thank them very much.

I might say to them that I was speaking
with one of the leading proponents of religious
freedom in Europe not too long ago, and the first
question he asked me was who are you all most
concerned about at the Commission?

And he said I assume that Nigeria and
China are at the top of that list. And so our
Commission is very concerned about what's happening
in China, and we know that the Uyghur population
now is not only in one province. They've been
scattered across the country. So it's very
difficult for us to assess exactly what they're
doing and where they are. And I, for one, am very
concerned about what's happening in Communist China

right now.

Thank you very much to our panelists.

CHAIR MANCHIN: Thank you.

Commissioner Maenza, I note your hand is up.

COMMISSIONER MAENZA: Thank you so much, Chairwoman Manchin.

You know, I wanted to, Louisa Greve, go back to you and understand a little bit better about how China is trying to silence the diaspora about this because obviously this shame that's coming up that's really pressuring these changes, they're trying to temper that by going after the diaspora with harassment, threats, and other things.

I'd love to understand what that looks like and what you recommend that governments can do to counter that?

MS. GREVE: Thank you so much, Commissioner Maenza.

UHRP has a report that I'd like to

actually submit for the record as part of this hearing on "Repression Across Borders: The CCP's Illegal Harassment and Coercion of Uyghur Americans."

And indeed in the Uyghur Human Rights Policy Act, which passed, which was enacted into law last June, there is a requirement of a report to Congress from the FBI about enforcement of U.S. civil rights laws against being intimidated from exercising your First Amendment rights, your freedom of expression, and that report was due last December, actually earlier, and I would urge commissioners to see if you can get a-hold of it.

So far, UHRP is not satisfied. Other witnesses have explained that this harassment continues, and we have a new form of harassment that has to do with making an example of people and smearing.

So we have a new report from UHRP called "The Proof of Life Videos." It's about proof of life videos, quoting people, Uyghurs saying "the

government never oppresses us." So these are like hostage videos where relatives of Uyghurs in Turkey, Europe, Canada, U.S. who have spoken out where is my family? And/or the survivors who have testified to horrific torture and mass rape and forced sterilization. Their relatives have been put on camera by Chinese government media saying "I lead a happy life." Very offensively showing some of them dancing and singing as part of the racialized demonization and lower-class status of all oppressed people who suffer racial discrimination, who are portrayed as being good for entertainment.

And specifically telling their relatives: "You're hurting my family by telling lies to the international community that we're suffering some rights abuses. You should be ashamed of yourself there in the U.S. Please stop telling lies. I'm being treated well by the Chinese government."

So this style of disinformation is there. We have also an entire report called "The Happiest

Muslims in the World:"--in quotes--"The Chinese Government's Disinformation and Misinformation," which has more about this.

So one question is just credulity information and the other is that these are a direct form of harassment, intimidation, and some of those things are illegal under U.S. law and under law in other countries, and UHRP is not satisfied with U.S. law enforcement and would like to have congressional hearings, USCIRF hearings, really calling to task our own law enforcement agencies, and also our foreign policymakers, because indeed it is very hard to prosecute someone who is intimidating a Uyghur American typically through the telephone because who would you prosecute?

They're not on U.S. soil. So that requires policy action. I believe it needs to be collective action with our allies, but there will be diplomatic, economic sanctions, policies, repercussions for continuing to violate our own

citizens' rights on our own soil.

CHAIR MANCHIN: Thank you so much, Louisa.

I know that both Commissioner Bauer and Commissioner Turkel feel very strongly about this. So, Commissioner Bauer, I'm going to ask you if you have a question, and then I'm going to allow Commissioner Turkel to kind of finish with our last question, if that's okay?

COMMISSIONER BAUER: Thank you, Madam Chairman.

What a fantastic panel of witnesses. Thank you all.

Obviously, the Uyghur situation is just horrific, and it's appropriate that that was our focus, but Communist China is a regime that suppresses all religious faith. It's a surveillance state. It's holding itself out to the entire world as an alternative to the sort of Western liberal democracy model. It steals our national technology; its crackdown on Hong Kong.

I guess I'm swinging for the fences here.

I'd like to get American businesses to start thinking about whether it's wise or moral to be investing in China, whether it's in the Uyghur area or not.

I think, in retrospect, historically, any American business in the '30s, 1930s, that thought it could invest in Germany and not ultimately be tainted by the Nazi regime was foolish. And I wonder now, you know, when so many American businesses for decades closed American factories and rebuilt them in China, every time that happens, isn't that just empowering a regime that intends to replace the United States in the world, which I think would be bad for human rights and liberty and religious freedom everywhere?

MS. GREVE: Yes. Thank you so much, Commissioner Bauer.

I'd love to have the chance to endorse your point. The U.S. government has determined that there's an ongoing genocide committed not just by Xinjiang authorities, local authorities in the

Autonomous Region, but by the government. There is a state responsibility.

As many of you know, a big report came out yesterday, written by 50 international experts, concluding that China is committing, you know, has state-party responsibility for committing a genocide in violation of the Genocide Convention to which China and the U.S. are state parties.

What does that mean? It means the government of China is a genocidal regime. Does everyone feel comfortable saying, well, if I can find a part of China where there is no genocide, like if I could go to Swabia in Nazi Germany and say, well, the Nazis don't have any more Jews here or there are no concentration camps for gypsies and disfavored people and Jews, maybe I can do business there, and I'm not supporting a genocidal regime by getting my permissions and getting my export licenses and simply doing business with that economy?

Really, everyone needs to think twice

about what it means to continue business as usual with a genocidal regime.

COMMISSIONER BAUER: Thank you.

DR. RICHARDSON: May I just add one quick point?

COMMISSIONER BAUER: Please.

DR. RICHARDSON: Just we have to respect confidentiality, but I just thought it might be interesting, Commissioner Bauer, to offer up that in the last roughly two months, we have had a remarkable, a notable slew of calls from investment firms, big ones, little ones, boutique ones, ones who work on sectors I have literally never heard of before, asking nervously not just about Xinjiang but about other sectors more broadly in China, and those conversations almost always start with, you know, a statement of fealty to ESG principles and a commitment to wanting to do good, and then questions about how to make sure that that's actually possible.

You know, nobody ever makes a commitment

in these conversations. We are honest and frank about what we do and don't know and what we recommend, but to me it's interesting that some of these concerns are now not, I think, confined to specific sectors, but are being thought about by institutions like big banks, for example.

COMMISSIONER BAUER: That's wonderful news.

CHAIR MANCHIN: Commissioner Turkel.

COMMISSIONER TURKEL: Thank you very much, Chair Manchin.

I also wanted to thank our witnesses today, a fascinating conversation.

The United States is the only government, as Ms. Greve pointed out earlier, that has taken concrete actions. We've been advocating other countries, particularly the UN, to take an action. Some countries expressed concerns, but expressing concern is not the same thing as taking action.

So I have a question to all of our panelists on two fronts. One is the UN, and the

other one is the EU. As you know, China has taken, in the recent years tried to weaken the United Nations human rights system, even attempted to rewrite UN human rights norms.

And in the EU, not too long ago, they signed an investment agreement with China. It appears that they don't really recognize the magnitude of the problem. In 2020, CSIS published a report. In it, it stated that Italy, the export volume from the Uyghur region to Italy during the period 2019 and 2020 increased by 200 percent.

So EU, EU economic system has also been polluted with the tainted products made by Uyghur slaves.

So what do we do about the UN and EU? What kind of recommendations that you have for the Biden administration to expand its work and make an impactful effort to stop the ongoing genocide?

DR. ZENZ: I think the Biden administration has the potential to set a positive, to go ahead as a good example, to set a positive

signal by taking constructive steps. You know, continuing the existing WROs on cotton and tomatoes, and then by taking additional steps, making additional determinations, talking about it, highlighting the issue.

I think the Biden administration can set an example less by making specific demands of Europe, more by going ahead with their own example, and by reaching out and seeking to bring this up on multilateral conversations.

But, as you noticed rightfully, the problem is that in many ways both institutions like the United Nations and the European Union have been either sort of elite captured by China or otherwise influenced and coerced by China or are naive or a combination of all of these, and the final chance to kill this comprehensive investment agreement lies with the European Parliament, which will vote on it in about a year, something like this.

So it's about a year's time to continue to bring this up in the news, to continue to find more

evidence, to continue to bring this up diplomatically, for other governments like the U.S. to take steps. So the leading by example, I think, is a real opportunity here.

COMMISSIONER TURKEL: Thank you.

CHAIR MANCHIN: Dr. Richardson.

DR. RICHARDSON: Thank you.

On the EU--sorry, on the UN, I agree that there's a lot that the Biden administration can do. As some of you may know, we've actually done research and published on the threat that the Chinese government presents to the UN's human rights system as a whole. And so it's good to hear a rights-respecting U.S. administration not only offer support for the institution of the Human Rights Council but say that it's going to run. As you know, China has just rejoined for its fifth term, I believe.

There's also a lot of--there's work for the U.S. to do in the near-term sense and particularly on the crisis for Uyghurs, and that's

going to be taking a certain amount of political momentum that has led to now a fairly diverse group of about 40 states that's willing to sign statements critical of the Chinese government, and not just broadening that coalition but translating it into the necessary diplomatic and political support for an investigation and some kind of an accountability proceedings, you know.

And that's, it's a ways to go from statements to that actual activity, but that's key, as is mobilizing allies in support of a long-term plan to push back against Chinese government encroachments on the system as a whole, and, you know, it's a complicated and byzantine project.

Democracies have to change administrations through elections every couple of years, and so making those kind of longer-term commitments is a challenge. But we believe that there is support there to be had if the U.S. and its kind of like-minded allies go out and pursue it.

I think the U.S. can work constructively

with the High Commissioner for Human Rights in pursuit of this endeavor, and, last, but not least, I think really push the Secretary General to express concern--or I should say it this way--maybe to express at least as much concern about what's happening to Uyghurs, Tibetans, and others as he expressed his enthusiasm for the Belt and Road Initiative.

COMMISSIONER TURKEL: Thank you.

CHAIR MANCHIN: Scott, I think you had your hand up.

MR. NOVA: Just quickly, I agree, there are a number of steps the U.S. can take in the context of multilateral institutions and with respect to its bilateral relationships. Though in the end, I think it is the work of the human rights community, the labor rights movement within the EU countries, within the UK, in pushing those governments to stronger action that will be critical just as advocates in the U.S. have had a big impact on U.S. policymaking.

I think the single-most important thing the Biden administration can do in the immediate term is ensure that the region-wide WRO is enforced energetically, aggressively and effectively. And there are mixed signals right now coming from CBP on that front so I really think that should be the primary focus.

CHAIR MANCHIN: Thank you.

Louisa, Olivia, any?

MS. GREVE: Right. I want to go back to just a very eloquent statement that Dr. Richardson made at the beginning, which is accountability and punishment of the crime of genocide comes after the violations. So how can we do something to save people from suffering these violations?

It's very hard to save any people who are living within China's borders, but there are people stuck in third countries at risk of refoulement, renditions, black renditions, desperate, some people who have passports that are expiring. They still have a Chinese passport, but it's expiring,

and they can't renew it at a Chinese embassy because this is the government that's committing a genocide against their people, and they are told you have to go back to your hometown to get your passport renewed, and we know what would happen if any Uyghur is sent back to China with a black hood over their head.

So this is something that the U.S. can work with EU partners so this is multilateral rather than through bilateral, but among a collection of the countries in Europe, in North America, U.S., Australia, to have very productive citizens join their shores so that they can have safe haven from this constant threat of refoulement in central Asia, Turkey and other countries.

We would really like to see the refugee status Priority 2, as other panelists have recommended. This should be a very high priority.

MS. ENOS: And I'll just add here that the Biden administration has said that working appropriately with allies and in a multilateral

context is a priority for them, and I think that this is a really easy issue to try and work with their partners on.

And so a lot of the specific recommendations, as Louisa said, such as P-2, but also when it comes specifically to forced labor, when the U.S. and as the U.S. is expanding its own tools in its tool kit to tackle forced labor, other countries need to do the same because these goods can find homes in other markets. If we don't have our partners and allies saying, no, we have a zero tolerance policy for having these goods entering our markets.

And so I think there's a lot of collaboration, best practices, to be shared amongst these groups that I think would be incredibly helpful and I think, likewise, you're building a coalition of other allies, the EU, the UN, and otherwise in order to respond on these issues. Maybe that's one way to increase pressure on the International Olympic Committee, as well, to call

into question China's suitability to host that privileged sporting event.

CHAIR MANCHIN: Thank you. Thank you so much. I want to take this opportunity just to thank our commissioners for being with us today, for their passion, and for their questions, and their interests.

I want to thank our wonderful speakers, our witnesses, for their excellent testimonies, and certainly to the USCIRF staff for the work that they put in in putting this excellent panel together on this most horrific topic.

But I would also like to call on First Vice Chair Tony Perkins again to sort of bring this all back together, Tony, and your final thoughts on this. And thank you for bringing Senator Rubio's comments to us this morning as well. But kind of bring it full circle.

VICE CHAIR PERKINS: Well, thank you, Chair Manchin.

I appreciate that opportunity. I would

just summarize it like this. I think international trade economically is important, but it cannot be untethered from a commitment to agreed upon fundamental human rights, and I think that's what we're talking about here.

And I would just say from what I've heard from our panelists--and I do thank them for being very generous with their time and their expertise--what we were told 20 years ago when we entered into this economic transaction Most Favored Nation status with China is that our economic activity was going to change them and make them more sensitive to human rights.

It would appear that that's not been the case, that human rights in China are worse off today, and unfortunately it looks like it is being supported by many U.S. businesses.

So we do thank you for your testimony today. We do hope that we will see greater engagement by our federal government in enforcing the laws, but we also hope that American

corporations, whether it's through shaming from consumers or whether it's a return to a sense of shared values, that they will stop supporting the activities that are leading to the persecution of these minorities in China.

So, Chair Manchin, thank you again for the opportunity, and thank you all for being with us today.

CHAIR MANCHIN: Yes. Thank you. And thank you to our guests that joined us today. Thank you all.

[Whereupon at 12:06 p.m., the hearing was adjourned.]